

Herrin Miners Hear Testimony Against Them

Whole Question of Unionism to Fore as Witnesses for State Are Called in Illinois Coal Massacre

"Right to Kill" Is Issue

Defense Counsel Asserts Case One of Justifiable Homicide, Not of Murder

Special Dispatch to The Tribune
MARION, Ill., Dec. 13.—The first trial of union miners for the Herrin massacre of last June got under way today. The decks were cleared for action with opening statements by the prosecution and the defense, and proof offered by the state of the death of Howard Hoffman, who was shot and stabbed and his throat cut. Hoffman died in a hospital two days after the massacre.

The first important witnesses for the state will go on the stand tomorrow. Three preliminary witnesses were heard today. Attorney General H. H. Clegg, president of the Illinois Mine Owners' Association, and Frank F. Farnsworth, president of the Illinois Coal Miners' Association, were in court.

Despite every effort of the state to restrict the trial to a plain murder case resting on identification, it became apparent at once that the whole question of unionism, the protection of property by armed guards and the rights of open shop employers will be kept well to the front by the defense.

Alibi Is Promised
While asserting that a good alibi will be produced for the five defendants charged with Hoffman's murder, the main defense will be that the killings were not murder at all, but justifiable homicide; that the union strip mine operators had no right to go into Williamson county; that the miners rose to resist invasion after their own men had been killed, bullied, insulted, driven to desperation and fear that the union would be broken.

In view of this wider issue, the threat of a new coal strike and the fearful eye of the Federal government, national importance not only in the matter of law enforcement but in the question of the rights of a union to close an industry and to resist the killing if necessary. This is the new doctrine to be tried here.

Through the court room was crowded most of the day, excellent order was kept by Sheriff George Galligan, whose extra force of bailiffs was hardly needed. Judge Hartwell issued special instructions to keep the jury from all outside contact or expression of opinion. State's Attorney Delos Duty spoke for an hour. "This is a case of murder," he said, "and must be kept down to that. There is not a semblance of unionism in this case between capital and labor. I want to try these men under the laws of the country, fairly and honestly."

Says Hiller Cut Throats
After describing the march to the mine and the subsequent killing of the union men by a mob under the

Ireland's Governor General at Home



Timothy Healy, in the garden of his residence, near Dublin, soon after his appointment to office.

leadership of Otis Clark, Mr. Duty told of the murder of Hoffman, for which the defendants now are being prosecuted.

"Six men were marched down the open streets of Herrin to the cemetery," said Mr. Duty. "A great number of people had collected there. Leva Mann, Joe Carnaghi, Peter Hiller, Percy Hall and Jim Galligan were there. And the six prisoners were shot to death, all except one."

"While the men were lying on the ground Hiller cut the throats of at least two who were not dead. The crowd melted away. One man was left suffering. He called for a drink. Bert Grace stood over him with a gun and threatened to shoot any one who gave a drink to this man. Hoffman was one who fell at the cemetery. Hiller cut his throat."

Mr. Kerr placed the blame for the murders entirely on the heads of Lester and Superintendent McDowell. "The killing of Hoffman was homicide, not murder," he said. "Some day and in some court room a jury will say that the time has come to stop the importation into peaceful communities of this type of men. I believe that day will come in this trial. I believe that it is this jury that will immortalize itself by freeing all communities for all time from the sinister influence of the American gunman."

"Strangers Killed McDowell"
Mr. Kerr declared that it was an "unlawful act" to seek to mine coal in this county last June and that the mine owners knew that it meant murder. He declared the arsenal at the mine contained a ton of ammunition, a machine gun and seventeen high-power rifles.

"They talk of truce and the white

Irish Free State To Send Envoys To Washington

Diplomatic and Trade Agents Also To Be Stationed in London, Paris, Rome, Germany and Holland

Guard Voted for Healy

Dail Orders \$50,000 to Maintain Governor General Over Labor Protest

Special Cable to The Tribune
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DUBLIN, Dec. 13.—The Irish Free State will appoint diplomatic representatives to be stationed in Washington, Paris and Rome, Desmond Fitzgerald, Minister of External Affairs, announced in the Dail this evening. In each of these capitals there also will be trade representatives dealing exclusively with commercial interests. A diplomatic representative also will be appointed for London to act for the Irish government in dealings with England. There will be one representative each in Germany, Belgium and Holland. The Dail approved the estimates for the proposed diplomatic and consular service.

"I mean to guard the Governor General as I should guard myself or any other member of the ministry," said President William T. Cosgrave when the \$50,000 estimate for the expenses of maintaining Governor Timothy Healy's establishment until the end of March was challenged by Labor members.

Defends Use of Lodge
The President defended the use of the vice-regal lodge by Governor Healy, saying it was at his request that the Governor was residing there. President Cosgrave declared the estimate was reasonable under present circumstances, explaining that it did not mean three times the amount needed in a normal year.

The Labor motion to reduce the estimate was defeated by a vote of 53 to 13.

LONDON, Dec. 13 (By The Associated Press).—Timothy Healy, Governor General of the Irish Free State, arrived in London this evening for a consultation with the government.

DUBLIN, Dec. 13 (By The Associated Press).—The committee appointed by the Senate to endeavor to bring about an immediate cessation of hostilities throughout the Free State is not regarded here with hope. The committee has no government prompting or authority and is merely a renewal of the frequent fruitless attempts at peacemaking between the discordant factions.

Insists on Surrender
In the Senate to-night one of the members of the committee, Mr. Douglas, announced that the committee would not issue any statement regarding its activities. The Free State government has not yet modified its insistence on absolute surrender by the republicans and the yielding up of their arms.

Troops from the Curragh camp today searched a farmhouse in the vicinity of the camp. They discovered in a dug-out beneath the floor ten men armed with rifles and ammunition and three tons of food supplies. All the men were arrested.

Hunter Fined \$500 for Death

HOULTON, Me., Dec. 13.—Charles A. Hoak, of Harrisburg, Pa., who was indicted under a special Maine statute for the taking of human life while hunting last October, paid a fine of \$500 and court costs in the Supreme Judicial Court here today. Hoak shot and killed Dr. Lee Maynard, of Philadelphia, whom he had mistaken for a deer.

"Strangers Killed McDowell"

Mr. Kerr declared that it was an "unlawful act" to seek to mine coal in this county last June and that the mine owners knew that it meant murder. He declared the arsenal at the mine contained a ton of ammunition, a machine gun and seventeen high-power rifles.

"They talk of truce and the white

Two Cooks Held for 60 'After-Dinner Robberies'

\$10,000 in Loot Recovered and Police Say Men Confess To 30 Burglaries

Robert Perry, twenty-two years old, of 10 East Thirty-ninth Street, Manhattan, and Earl W. Thorn, twenty, of 533 West 156th Street, Manhattan, both cooks, charged by the police with being the "after-dinner burglars" responsible for sixty robberies recently in Richmond Hill, Kew Gardens and Jamaica, were held yesterday without bail for examination to-morrow by Magistrate Miller in the Jamaica Police Court. The police said the men had confessed to thirty robberies in the last three weeks.

Perry and Thorn were arrested Tuesday night in Kew Gardens by detectives who recognized them through the description furnished by Peter Van Zolman, of 8511 113th Street, Richmond Hill South, who surprised them at work in his home on the night of December 1. Charles Schloss, a salesman, of 321 East Twelfth Street, Manhattan, is also held, charged with receiving stolen goods from Perry and Thorn.

Perry produced a badge of the Police Reserves and said that he was one of the officers who had been sent there on patrol duty. Owing to the number of robberies in the section, three companies of Police Reserves had been assigned there.

The police accompanied the men to their rooms and found there jewelry and other property, valued at more than \$10,000. The arrest of Schloss was brought about through information supplied by them. He told the police that he had bought the articles without knowing that they were stolen.

Sister's Allowance Cut Pending Booth Will Fight

\$15,000 a Month Reduced to \$2,000 for Mrs. Adelaide A. Lawrence

Surrogate Foley decided yesterday that Mrs. Adelaide A. Lawrence, seventy-six years old, sister of the late Mrs. Angie M. Booth, who left an estate of about \$12,000,000, does not need the \$15,000 a month allowance awarded her by the court pending the outcome of a contest.

The Surrogate decided in a normal year. The allowance should be cut to \$2,000 a month. Besides this, Mrs. Lawrence will have the use of the Booth residence at 4 Riverside Drive. Under the decision of Surrogate Foley she may not have the use of the country estate at Great Neck, L. I., pending the outcome of the contest.

The contest has been brought by Miss Marie Allison Landolt, of Port Jefferson, L. I., a grandniece of Mrs. Booth. The Surrogate said it appeared that William Stanley Hill, son-in-law of Mrs. Lawrence, had fostered the contest. He has been receiving \$1,500 a month from Mrs. Lawrence for his services as private secretary.

N. Y. C. Freight Conductor Killed as He Walks Trucks

Owen Daniels, forty years old, a freight conductor on the New York Central, whose home is on Madison Avenue, was killed early yesterday when a westbound passenger train struck him as he was walking on the New York Central track a half mile beyond Irvington station.

Daniels had been walking on the east-bound track and stepped across to the west rails to avoid a train which he saw coming toward him. There was a high wind blowing and the man wore his overcoat collar turned up around his ears, so that he did not see the other train. His skull was fractured.

Wet Chief Charges Drys Are Twisting President's Words

Harding Hinted at Possible Change in Volstead Act, Says Capt. Stuyton, Taking Issue With Wheeler

From The Tribune's Washington Bureau
WASHINGTON, Dec. 13.—Sharp issue with the interpretation of Wayne B. Wheeler, general counsel of the Anti-Saloon League, of the President's reference to prohibition in his address to Congress was taken today in a statement by Captain W. H. Stuyton, founder of the executive head of the Association Against the Prohibition Amendment.

"We are glad to find Mr. Wheeler following the lead set by our association in approving the President's stand for enforcement of all laws so long as they remain on the statute books," said Captain Stuyton. "But when he deals with that portion of the message relating to the present Volstead act, the flagrant distortion of the language and meaning of the President's address becomes obvious."

"Mr. Wheeler says, for example, 'We are not disturbed about any change in the law being demanded because it is enforced effectively.' Whether or not he means what he says, he flatly contradicts not only the burden of President Harding's complaint but his own admission, immediately following, that the law is not being enforced adequately, especially in the cities."

"To any fair-minded person it is obvious that in the President's message the question of the enforceability of the present Volstead act is definitely raised. It is also equally obvious that Mr. Harding indicated the possibility as well as the unquestioned right of Congress to modify the present Federal enforcement legislation. All of this portion of the President's message Mr. Wheeler entirely and consistently ignores."

"In spite of the unaltered position of Mr. Wheeler there has been an alteration in the minds of the people on the question of prohibition, enforcement methods. The last test at the polls gave its unmistakable proof."

"The practicable results will be revealed at the next session of Congress, in which the will of the people will be carried out by liberal modification of the present enforcement legislation in a way that will sweep Volsteadism into the discard."

United Hospital Fund Donations Slackening

With the objective only half reached contributions to the United Hospital Fund are beginning to fall off, William Fellowes Morgan, chairman of the executive committee in charge of the drive, said last night.

It is hoped to raise a million dollars.

"Many people," said Mr. Morgan, "are giving less than they did last year. At the beginning of the drive we found many persons doubting and even trebling their contributions; that is not so now." He urged a generous response to the drive to enable the poor sick to receive free treatment at the various hospitals.

Additional contributions received include \$2,500 from George F. Baker, \$1,000 from Lewis Cass Ledyard, \$1,000 from Stern Bros., \$1,000 from Mrs. E. H. Harriman, \$500 from J. Kridel Sons & Co. and \$500 each from Scottish Rite Masons, Miss Elizabeth K. Lamont, Ernest Rosenfeld, Eugene Meyer Jr., Louis Morris Starr, M. S. Murrill, C. H. Foster, Mrs. James J. Goodwin, Mrs. Paul Moore, Kasten, Huber & Lehrfeld, Dreier & Co., Richardson Silk Company, Emma C. Miller, Ingraham-Rand Company and Mrs. Donald J. Warner.

The following are among the pledges received: \$15,000 from John D. Rockefeller Jr., \$15,000 from Laura Spellman Rockefeller (memorial), \$10,000 from Mr. and Mrs. Arthur Curtis James, \$5,000 from Kuhn, Loeb & Co., \$5,000 from Cleveland H. Dodge, \$2,000 from Mr. and Mrs. George Blumenthal, \$2,000 from Mr. and Mrs. Charles A. Wimpfheimer, \$1,500 from W. Starobin, Schell & Co., \$2,000 from Guggenheim Bros., \$1,000 from Mr. and Mrs. Henry J. Fisher, \$1,000 from Mrs. Willard D. Straight and \$500 each from George N. Armbray, H. R. & J. A. Goldsmith and Percy A. Rockefeller.

FACTS about PAPER

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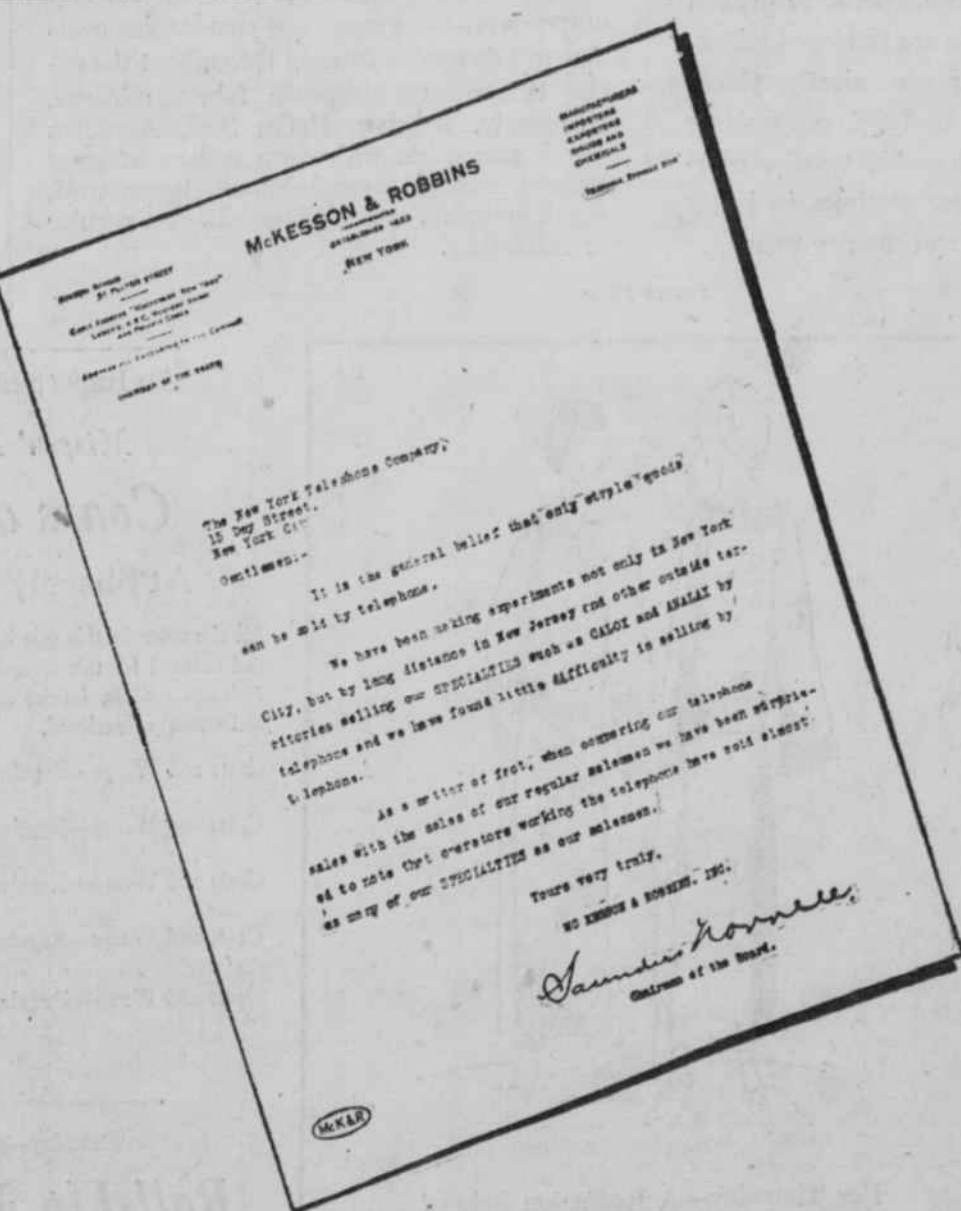
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